

April 28, 2004

N.W. 70th & West Superior:
Change from Priority B to Priority A

Applicant	Location	Proposal
J. Michael Rierden for Lincoln Federal Savings	N. W. 56 th to N. W. 70 th from West Adams to West Superior Street	Change from Priority B to A land between N. W. 56 th to N. W. 70 th from West Adams to West Superior Street
Recommendation: Denial		

Status/Description

This request is a change from Priority B to A approximately 480 acres of land between N. W. 56th to N. W. 70th from West Adams to West Superior Street. In reviewing this application the entire 600 acres within the section was evaluated as part of this application. The land to the east of this application is in the city limits, with a small area of Priority A located south of West Adams Street. The remaining land north, west and south is designated as a Tier III growth area, for development beyond the planning period (50 years) – since these areas are difficult to serve with water service and they are near the top of the ridge of this drainage basin.

The application for Lincoln Federal Savings Bank only includes approximately the western 3/4 (480 acres) of the area from quarter mile west of N.W. 56th to N. W. 70th Street, from West Adams to West Superior Street. The eastern 1/4 (120 acres) was **not** included in the application but was added to the review since it would **not** be logical to leave this area as Priority B, if the area to the west were changed to Priority A. Thus, the following review is of the entire, roughly square mile area.

Comprehensive Plan Implications

The Comprehensive Plan states the following about priority areas on page F 29:

“Top Priority Area

Area generally within the city limits at the beginning of the planning period. There are still significant infrastructure needs within the existing city and areas currently under development. Some larger projects, such as Antelope Valley, will be ongoing throughout the planning period and will require significant infrastructure resources.

Priority A of Tier I

Areas designated for near term development are generally contiguous to existing development and should be provided with basic infrastructure within 12 years of the adoption of the plan. Some of the infrastructure required for development may already be in place. This area includes some land already annexed, but is still undeveloped and without significant

infrastructure. Areas with this designation are the next priority for infrastructure programming. Some infrastructure improvements may be done in the near term while others, such as road improvements that are generally more costly, may take longer to complete.

Priority B of Tier I

The next area for development beyond Priority A, which currently lack almost all of the infrastructure required to support development. In areas with this designation, the community will maintain present uses until urban development can commence. Infrastructure improvements to serve this area will not initially be included in the City's CIP, but will be considered in the long term capital improvement planning of the various city and county departments."

The Comprehensive Plan then addresses how the priority areas are to be used to guide infrastructure financing and utility planning. In particular, on page F 29 and 30 the Plan states:

"The principles for prioritization and the individual priority areas are described as follows:

- *The top priority for the City's CIP is to maintain existing infrastructure, provide for new neighborhood improvements and to complete needed improvements for areas already under development...*
- *In order to implement the Plan Vision, infrastructure should generally be provided in different directional growth areas, depending upon limited financial resources and if there is development interest in the area...*
- *Funds for improvements in new major drainage basins to the southwest and to the east should provide the opportunity for development to begin in these areas within the next 12 years.*
- *Generally, adequate infrastructure improvements should be completed in all Priority A areas where there is development interest prior to beginning infrastructure in Priority B areas.*
- *It is anticipated that there may be some unique circumstances to warrant consideration of development of land in Priority B prior to the full completion of improvements in Priority A. The community will consider development in a sub-basin in Priority B areas, before completing the infrastructure in Priority A areas, if all of the following conditions are met:*
 - 1) *the project is contiguous to the City and proposed for immediate annexation, and is consistent with principles of the Comprehensive Plan,*
 - 2) *the developer provides information demonstrating how the necessary infrastructure improvements to serve the sub-basin would be provided and financed. The City shall contact other public agencies to obtain their report on the infrastructure necessary to serve the sub-basin including utilities, roads, fire service, public safety, parks, trails, schools and library needs.*

3) *the impact that development in the sub-basin will have on capital and operating budgets, level of service, service delivery and Capital Improvement Programs is addressed,*

4) *there is demonstrated substantial public benefit and circumstances that warrant approval of the proposal in advance of the anticipated schedule.”* (Emphasis added)

Technically, the applicant is not asking for improvements in Priority B to be done prior to Priority A, as stated above. In this amendment the applicant is only requesting this area be added to Priority A. However, the applicant has stated that if this proposal is approved, Lincoln Federal Savings intends to work with the City on further details of how development on the 160 acres on the southeast corner of N. W. 70th and West Superior might be funded within six-year Capital Improvement Program. Thus, it is worth considering the four criteria mentioned in the Plan in regards to this proposal for a change from Priority B to A:

- 1) The land as a whole is contiguous to the city. However, the Lincoln Federal Savings land is **not** contiguous to the city and the land in-between is not seeking annexation at this time.
- 2) The City has contacted other agencies for comments on service implications of this proposal. There are significant water and arterial street improvements needed to serve these 600 acres, which are not in the infrastructure financing plans for the next 6 to 10 years.

Wastewater: Public Works and Utilities notes that downstream improvements are required prior to development on this site. The draft 2004 CIP proposes completion of these improvements in 2007. However, the financing of these improvements are based on several rate increases over the next few years. Service to this site will be from an existing 21 inch sewer line built to serve this area more than two decades ago.

Water: Public Works and Utilities states that “the areas of proposed development of elevation 1,280 feet cannot be served by the existing system and requires a booster pump.” The required 16 inch mains to serve this area are not in the draft 2004 CIP. The financing of the improvements in the draft 2004 CIP are based on several rate increases over the next few years.

Arterial Streets: Street improvements for the majority of this area are **not** identified for a construction in the next 12 years. Even the roads shown in the 6 year CIP will require substantial new funding in order to be built. For this area, needed improvements not included in the CIP are as follows:

- N.W. 70th from West Adams to West Superior Street;
- West Adams from N.W. 63rd to N.W. 70th Street;
- West Superior from N.W. 56th to N.W. 70th Street; and,
- West “connector” from N. W. 56th & West Superior to N.W. 48th Street, north of the Arnold Heights neighborhood (route yet to be studied and determined)

Public Works and Utilities also notes that N.W. 70th and West Superior are both dirt roads. West Adams is proposed for improvement in the draft 2004 CIP from N.W. 48th to N.W.

63rd Street, depending upon additional funding. Public Works recommends that approval be withheld “until the transportation infrastructure improvements can be accommodated in the CIP.”

County Engineer: Notes their office has received requests for improvements to both N. W. 70th and West Superior between N.W. 70th and N.W. 48th Street. “The roads are presently dirt roads and the County’s intention is to grade to higher standards and provide aggregate (gravel) surfacing. The County has been working with the NRD on a dam proposed on NW 70th and the City of Lincoln relative to a proposed development and what type of grading section should be built.”

Schools: This land is already designated as residential and Arnold Elementary School is located to the east. Lincoln Public Schools is also considering building a K-8 school potentially in the next 6 years if a bond issue is approved, that could serve this site. Accelerating the pace of residential development may impact the timing for the need for the new middle /elementary school. The applicant notes “...we have been in discussions with the Lincoln Public Schools for a site at this location.”

Parks: The Parks and Recreation Department recommends that if this site is approved, a neighborhood park site should be added to the Comprehensive Plan. A new neighborhood park is not yet identified in the Comprehensive Plan for this square mile, but would be needed to adequately serve this area.

Fire: The Comprehensive Plan on page F 130 notes that “*the relocation of Station #11 – currently located in Lincoln Air Park West – to a site closer to the Arnold Heights neighborhood is being considered to enhance the response time to the area.*”

- 3) None of these departments addressed the impact this proposal might have on operating budgets.
- 4) The applicant has stated that this proposal would “..be affordable housing with a variety of housing choices.” The application further noted that “..the sanitary sewer which already extends to the site.”

The Plan also contains a “concurrency policy” on page F 154 that states:

“Public infrastructure — including roads, water, sewer, parks, schools, libraries — is essential to the health, safety and welfare of the community. As the community grows, it is desirable that these systems and facilities be developed concurrently, — that is, at the same time— with that growth.”

Conclusion

In regards to the request to change from Priority B to A, the basic questions are does this land meet the definition of the Priority A, and will including it as Priority A negatively impact the City’s infrastructure plans. In general the are proposed area does not meet the criteria for designation to Priority A, and should be denied.

1. Given utility planning and infrastructure financing plans is the land serviceable by 2014?

No, given current infrastructure plans and financing, this area is not being planned for full services by the year 2014. The area does **not** meet the definition of Priority A since it will not be provided with basic infrastructure within 2014. Some improvements may be done in the near term (wastewater by 2007), but water and roads improvements are not identified in the six-year draft 2004 CIP or planned for the next year.

2. Will the Priority A designation negatively impact the community's infrastructure plans?

Yes, serving this 600 acres given the limitations on funding means that in order to serve this area, infrastructure to serve other areas would have to be delayed. Major infrastructure items required to serve this area are not identified in the draft 2004 CIP.

Denial of this amendment, at this time, is also based on the fact that:

- The community already has limited funds to serve the land already designated as Priority A in the Plan,
- The 2004 draft CIP is based on numerous water and sewer rate increases, new financing sources for the arterial streets, continued revenue from impact fees, and approval of general obligation bonds to pay for watershed, park and fire station improvements. If any of these financing mechanisms are not approved or available, then improvements and services to Priority A areas will be further delayed, and
- It is important that the community move toward the goal of concurrency in improvements — providing utilities to an area in one year, with roads, schools, fire protection and parks lagging years afterward provides citizens with poor service and is contrary to the goals of the Plan.

Prepared by

Duncan Ross, AICP dross@ci.lincoln.ne.us
Planning Department, (402) 441-7603

NW 70TH ST

Tier III

NW 56TH ST

NW 48TH ST

W SUPERIOR ST

Tier III

W ADAMS ST

Tier III

NW 70th & W Adams St

Proposed Amendment # 14

- Future Service Limit
- Priority Area Boundary
- A** Priority Designation
- Additional Area For Consideration From Priority B to Priority A
- Applicant Proposal From Priority B to Priority A





CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG
www.ci.lincoln.ne.us

LINCOLN/LANCASTER COUNTY

2004

COMPREHENSIVE PLAN AMENDMENT APPLICATION

The use of this application is appropriate when a change to the adopted Lincoln/Lancaster County Comprehensive Plan is desired. The required questionnaire on the reverse side of this application must be completed as well. Applications for the 2004 Annual Review are due to the Planning Department no later than 4:30 p.m. on February 2, 2004.

PART I

Please print or type.

Date: 1/21/04
Applicant: Lincoln Federal Savings Bank
Mailing Address: 1101 N Street
City: Lincoln State: Nebraska Zip: 68508
Phone: () 474-1400
Contact (if not applicant): J. Michael Rieder
Mailing Address: 645 M St #200
City: Lincoln State: Nebraska Zip: 68508
Phone: () 476-2413

Application Fee of \$250.00 to the City of Lincoln.

If applicable, name of general area/location/site which would be affected by this proposed change (Attach additional sheets if necessary.).

NW 70th: Superior / NW 1/4 of 12-10-5

Applicant Signature: [Signature]

Date: 1/21/04

For Applicant

PLANNING DEPARTMENT USE ONLY:

RECEIPT NO. 417481
DATE 1-22-04
FEE PAID \$250.00

I:\PC\FORMS\CP Amendment App. Form.wpd

J. Michael Rierden
ATTORNEY AT LAW

THE COTSWOLD
645 "M" STREET
SUITE 200
LINCOLN, NE 68506

TELEPHONE (402) 476-2413
TELECOPIER (402) 476-2946

January 21, 2004

Lincoln-Lancaster Planning Department
Att: Marvin S. Krout, Planning Director
555 South 10th Street
Lincoln, Nebraska 68508

RE: Comprehensive Plan Amendment at Northwest 70th and Superior Street,
Lincoln, Nebraska

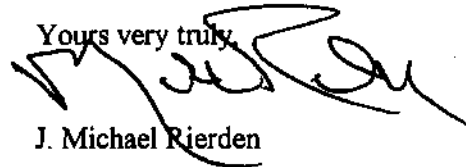
Dear Mr. Krout:

Please consider this letter and the supporting documents an Application for a Comprehensive Plan Amendment. More specifically, this request concerns the Northwest Quarter of Section 12, Township 10 North, Range 5 East of the 6th P.M., Lancaster County, Nebraska. Attached hereto as Exhibit "A" is a map specifically locating the property. The specific request is to change the designation of the property from Tier 1, Priority B to Tier 1 Priority A. The owner of the property is Lincoln Federal Savings Bank of Nebraska. It is the intent of Lincoln Federal to develop the property for "affordable housing" in a manner similar to the concept plan which I am attaching hereto as Exhibit "B". Please note that we have been in discussions with the Lincoln Public Schools for a school site at this location.

When the 2025 Comprehensive Plan was adopted on May 28, 2002, this property was included within the future service limit and is designated urban-residential on the future land use plan.

The parcel can be served by sanitary sewer and is in close proximity to other residential development. If you should have any questions please feel free to contact me.

Yours very truly,



J. Michael Rierden

JMR/jdr

J. Michael Rierden
ATTORNEY AT LAW

THE COTSWOLD
645 "M" STREET
SUITE 200
LINCOLN, NE 68508

TELEPHONE (402) 476-2413
TELECOPIER (402) 476-2948

February 3, 2004

Lincoln-Lancaster County Planning Department
Att: Marvin S. Krout, Planning Director
555 South 10th Street
Lincoln, Nebraska 68508

FEB 3 2004

RE: Amendment to Comprehensive Plan

Dear Mr. Krout:

I had previously written your Department a letter dated January 21, 2004 requesting an amendment to the Comprehensive Plan concerning property located generally at Northwest 70th and West Superior Streets. As a result of conversations I have had with Duncan Ross I am sending you additional information concerning the request.

First of all, I would ask that the request now encompass the following described area, to-wit:

As shown on the attached map (outlined in green), add 320 acres to the City of Lincoln Tier I Priority A growth area. The area to be included is generally bounded by Northwest 70th on the west, approximately one-half mile west of Northwest 56th Street (Northwest 63rd Street) on the east, West Adams Street on the south and West Superior Street on the north.

In response to your "Required Questionnaire" I have the following comments, to-wit:

1. Provide a detailed description and explanation of the proposed amendment. Include the element in brackets. (Land use, transportation, etc.) to be amended. (Please attach map and legal description if proposal is for a specific track of land.)

RESPONSE: As indicated above, I have submitted a map showing the area in question. The lot numbers/irregular tract numbers are shown on said map. The following are the elements/portions of the Comprehensive Plan that we would anticipate being amended.

Tier I-Priority Areas Map to show as Tier I Priority A

Future City of Lincoln Water Pressure Zones Map-show as part of "Belmont Pressure Zone"

Distribution Improvements for the Lincoln Water System-show improvements indicated on attached Map

City of Lincoln Long Range Waste Water Facilities Alternatives Map-show improvements indicated on attached Map

Future Functional Classification: City Streets Map-show changes as indicated on attached Map

Future Functional Classification: County Roads Map-show changes as indicated on attached Map

Projects and Studies: Lincoln Area Street and Roadway Improvements 2025 Map-show improvements indicated on attached and update "Proposed Projects" list to include a study for roadway alternatives for connecting Northwest 70th and 48th Streets in the general location of West Superior Street

Right of Way Standards Map-show changes as indicated on attached Map

Tiers I and II Right of Way Map-show changes as indicated on attached Map

2. Describe how the proposal is currently addressed in the Comprehensive Plan. If the issue is not adequately addressed, describe the need for it.

RESPONSE: The Comprehensive Plan (F 17) states as follows:

"Lincoln's future urban growth should generally occur in multiple directions around the existing city. It will continue to have managed and contiguous growth."

Lincoln has experienced significant growth both to the north and south. This proposal will provide for future growth to the west. As I indicated to you in my previous correspondence the portion of the proposal owned by Lincoln Federal is anticipated to be affordable housing with a variety of housing choices. The Comprehensive Plan (F 18) states as follows:

"Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing

choices within every neighborhood.”

Additionally, the Comprehensive Plan (F 18) encourages elementary and middle schools to be sized and located to enable children to walk or bicycle to school. As indicated in my first letter we have been in discussions with the Lincoln Public School System and have shown a potential site on the Concept Map previously submitted.

3. What do you anticipate what will be the impacts caused by the proposal, including the geographic area affected and the issues presented? Why will the proposed change resulted in that benefit community? If not, what type of benefit can be expected and why?

RESPONSE: The anticipated impacts of this proposal will be that provisions will need to be made to extend utilities to this area with the exception of the sanitary sewer which already extends to the site as shown on page F-77 of the Comprehensive Plan. We anticipate making a request that the area be designated in the 1 to 6 year CIP. Additionally, in accordance with the “Greenprint Challenge” (F 57) of the Comprehensive Plan we will be making green space an open areas an integral part of the development along with early identification of areas to be preserved (ie. wetlands, riparian areas, etc.). It is my belief that this proposal will benefit the community by providing more housing types and fulfills the guiding principals of the urban environment by providing urban growth in an area which has not had a significant amount of growth in the last 20 years.

4. How would the proposed change comply with the community vision statement, goals, principals, and policies of the Comprehensive Plan?

RESPONSE: The proposal complies with the community vision statement of the Comprehensive Plan (U 1-2) in that future development of this area will increase the tax base which will, in turn, preserve the quality of life and insure quality services to a residential addition.

5. Is there public support for this proposed text amendment?

RESPONSE: Although this is not a text amendment our market studies have indicated to us that there is a need for housing of all types in the area and especially affordable housing.

Lincoln-Lancaster County Planning Department

February 3, 2004

Page 4

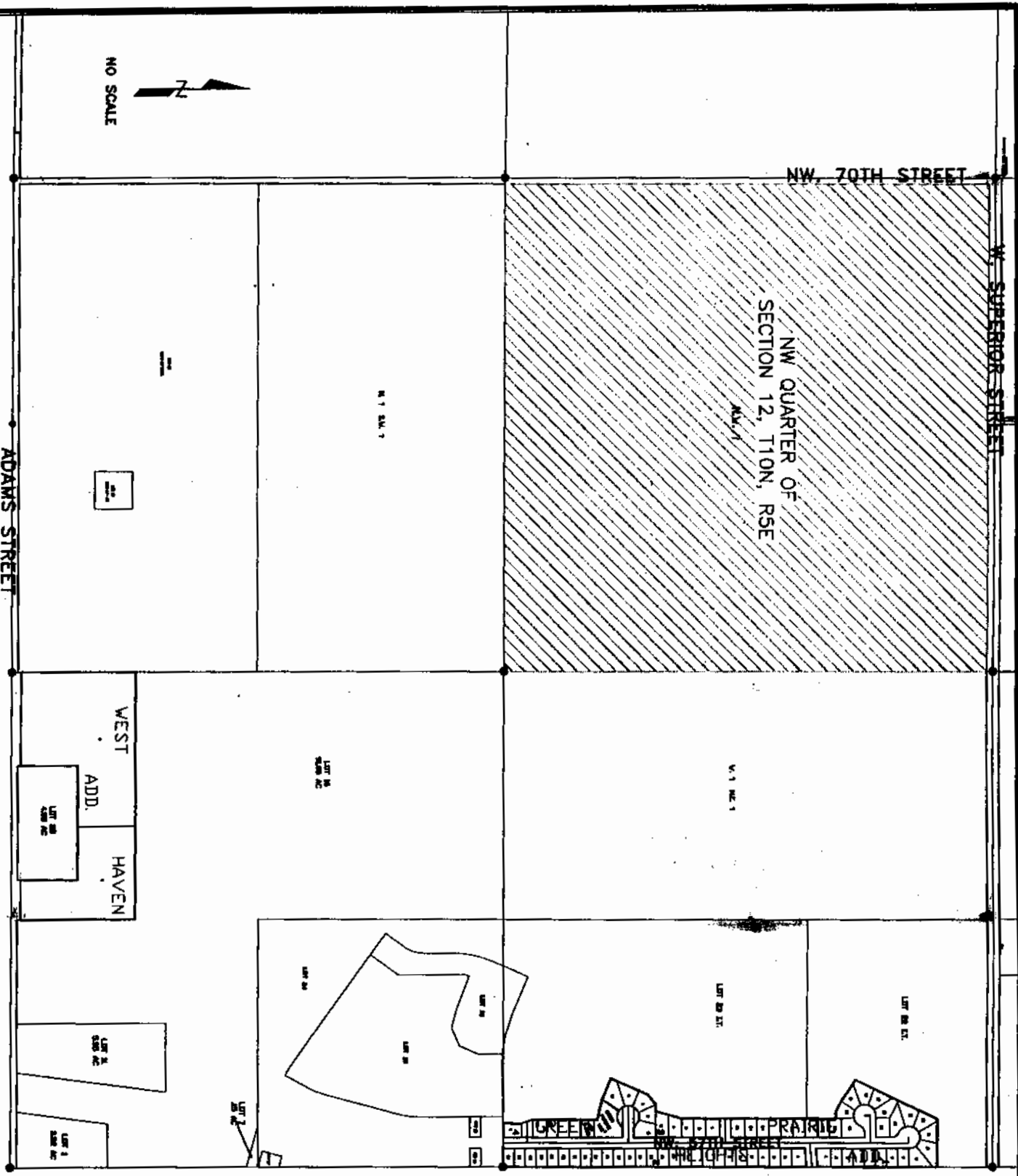
If you should have any questions or need any additional information please feel free to contact me.

Yours very truly,

J. Michael Rierden

JMR/jdr

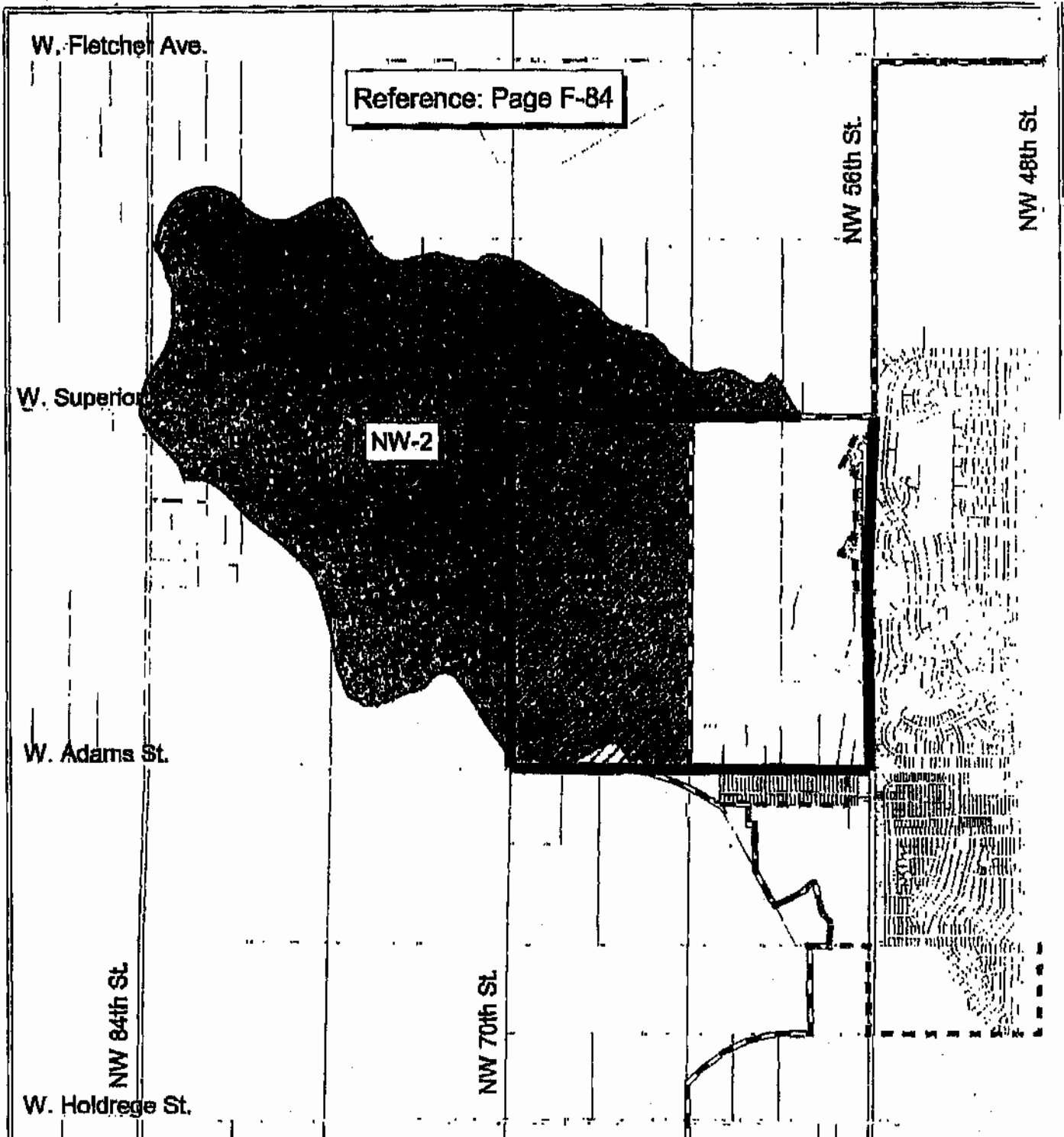
44001



Drawn By: NLH
Dwg.: 70th & Superior
Date: 12/22/03
Job#: 03-047

NW 70TH & SUPERIOR
EXHIBIT
Lincoln, Nebraska





Northwest Lincoln Amendment Request to Future Service Limit

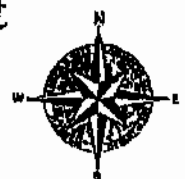
Distribution Improvements for
the Lincoln Water System

 Prop. 16"

 Amendment Request to
Future Service Limit

 NW-2

 City Limits
 Future Service Limits



0 1000 2000 Feet

N. Fletcher Ave.

Reference: Page F-85

NW 56th St.

NW 48th St.

Superior St.

12"

18"

21"

Adams St.

NW 84th St.

NW 70th St.

Holdrege St.

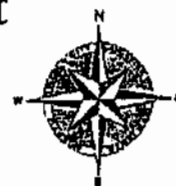
Northwest Lincoln Amendment Request to Future Service Limit

City of Lincoln Long Range
Wastewater Facility Improvements

✓ Exist. Wastewater

✓ Prop. Wastewater
Main

▨ Amendment Request to
Future Service Limit



024

N. Fletcher Ave.

Reference: Page F-111

Superior

Adams St.

NW 56th St.

NW 48th St.

NW 84th St.

NW 70th St.



Holdrege St.

Northwest Lincoln Amendment Request to Future Service Limit

Future Functional Classification: City Streets

 Urban/Rural Minor Arterial

 Amendment Request to Future Service Limit

 City Limits
 Future Service Limits

0 1000 2000 Feet



V. Fletcher Ave.

Reference: Page F-112

NW 56th St.

NW 48th St.

Superior

Adams St.

NW 84th St.

NW 70th St.


Holdrege St.

Northwest Lincoln Amendment Request to Future Service Limit

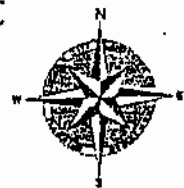
Future Functional Classification: County Roads

 Urban/Rural Minor Arterial

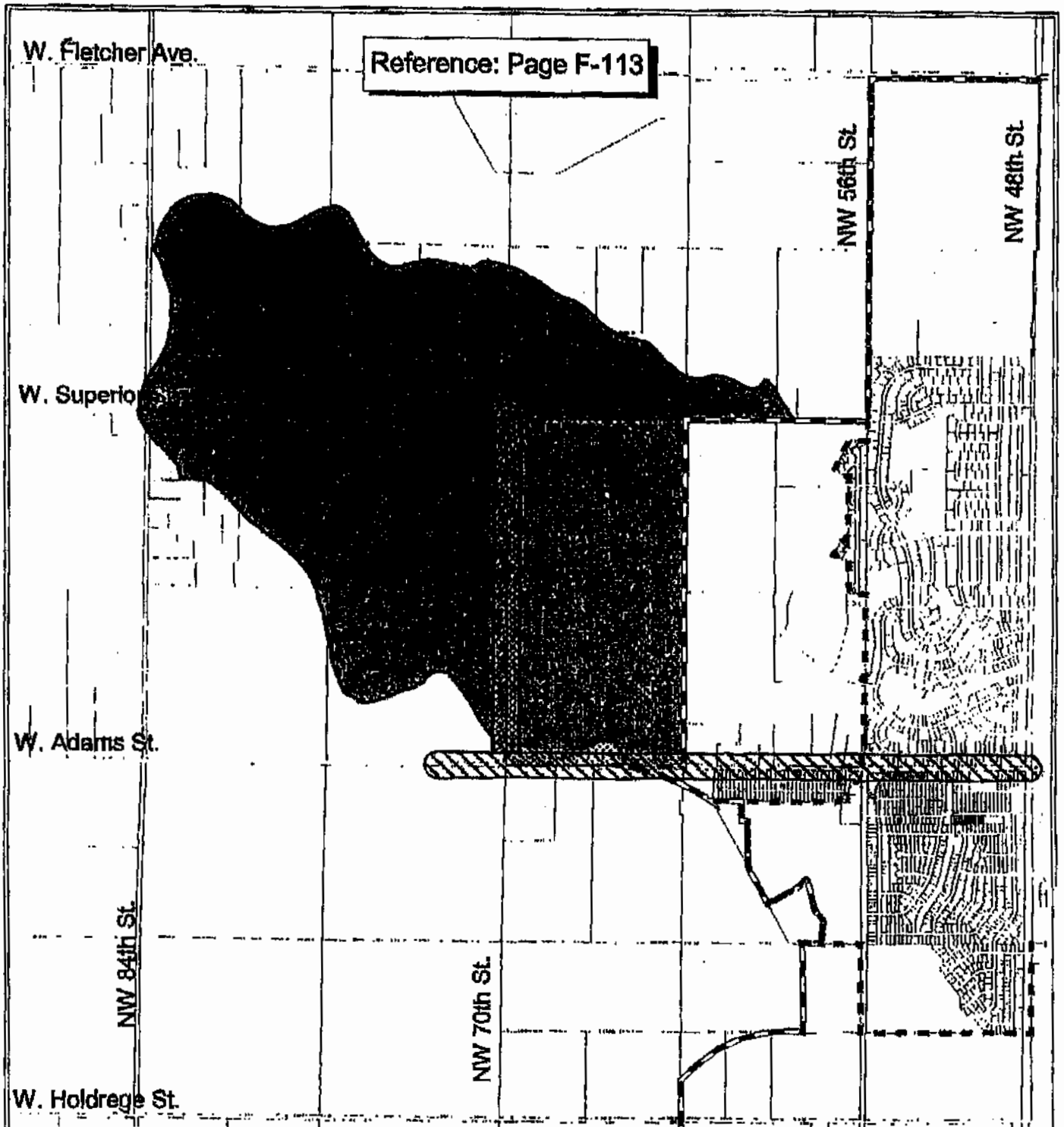
 Amendment Request to

 City Limits

026







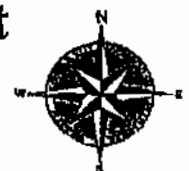
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Northwest Lincoln Amendment Request to Future Service Limit

Projects & Studies

-  2+1
-  4+1
-  Amendment Request to Future Service Limit
-  NW-2



0 1000 2000 Feet

W. Fletcher Ave.

Reference: Page F-120

NW 56th St

NW 48th St

N. Superior St

N. Adams St

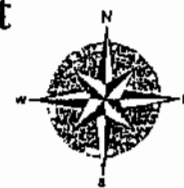
NW 84th St

NW 70th St


N. Holdrege St

Northwest Lincoln Amendment Request to Future Service Limit


Right of Way Standards



029

 120' ROW

 Amendment Request to
Future Service Limit

 City Limits

W. Fletcher Ave.

Reference: Page F-121

N. Superior

W. Adams St.

NW 84th St.

NW 70th St.

NW 56th St.

NW 48th St.

W. Holdrege St.

Northwest Lincoln Amendment Request to Future Service Limit

Tiers I & II Right of Way 029

120' ROW

Amendment Request to
Future Service Limit

NW-2



City Limits

Future Service Limits



0 1000 2000 Feet